

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Crl.Rev.Pet.No. 442 of 2007(E)

CRA.830/2004 of ADDL.SESIONS COURT, KOTTAYAM

CC.932/2004 of JUDL. MAGISTRATE OF FIRST CLASS-II(MOBILE), KOTTAYAM

REVN. PETITIONER - APPELLANT - ACCUSED:

K. SHANKAR, MALLOOR HOUSE,
KODIMATHA, KOTTAYAM.

BY ADV. SRI.SUNIL CYRIAC
SMT.N.SINDHU

RESPONDENTS - RESPONDENTS - COMPLAINANT & STATE:

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1. SABU THOMAS, CHEMMENCHERY HOUSE,
NEENDOOR P.O.
 2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY ADV. SRI.JOHN K.MATHEW R1
BY PUBLIC PROSECUTOR SHRI C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 442 OF 2007

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Dated this the 31st day of January, 2007

ORDER

Heard. Admitted. Advocate Shri Johny K.Mathews took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No.932 of 2004 on the file of the Judicial First Class Magistrate, Kottayam. Conviction and sentence were confirmed by the learned Additional Sessions Judge, Kottayam in Crl. Appeal No. 830 of 2004. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1296 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed.

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-: 2 :-

Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

VSV

K. PADMANABHAN NAIR, J.

CRL. R.P. NO.

ORDER

4TH JANUARY, 2007